

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

TINA BLANKENSHIP and  
MARK BLANKENSHIP, husband and wife,  
and TINA BLANKENSHIP,  
as Guardian and Next Friend of C.B.,  
an infant under the age of 18 years,

Plaintiffs,

v.

Civil Action No. 2:14-cv-26529

WAL-MART STORES, INC.,  
a Delaware Corporation licensed  
to do business in the State of West Virginia,  
and GENERAL ELECTRIC COMPANY,  
a New York Corporation  
licensed to do business in the State of West Virginia,

Defendants.

**DEFENDANT WALMART STORES, INC.'S MOTION TO  
EXCLUDE THE OPINIONS AND TESTIMONY OF WILLIAM KITZES**

COME NOW Defendant Walmart Stores, Inc., by counsel, and, pursuant to Federal Rules of Evidence 702, 402, and 403, and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and its progeny, respectfully moves the Court for an order excluding the expert opinions and testimony of Plaintiff's proffered expert, Mr. William Kitzes.

This motion, as explained in greater detail in the accompanying Memorandum of Law in Support, is based on the grounds that Mr. Kitzes opinions are unreliable, irrelevant, and inadmissible. Plaintiffs have therefore failed to meet their threshold obligations under Rule 702 and *Daubert*. This motion is supported by the Memorandum of Law in Support, Exhibits A through B attached hereto, and all other papers and pleadings on file in this action.

WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law in Support, Wal-Mart respectfully requests that this Court enter an order precluding Mr. Kitzes from offering any opinions or testimony at trial.

WAL-MART STORES, INC.,  
By counsel.

/s/ Heather M. Noel

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Judge Goodwin

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**CERTIFICATE OF SERVICE**

I, Heather M. Noel, do hereby certify that on September 8, 2015, a true copy of the foregoing **DEFENDANT WAL-MART STORES, INC.'S MOTION TO EXCLUDE THE OPINIONS AND TESTIMONY OF WILLIAM KITZES** was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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